

AMENDMENTS TO THE CLAIMS

Please amend the following claims as indicated:

1. (Currently Amended) An apparatus for positively identifying an item, the apparatus comprising:

a processor configured to execute executable data structures; and
a memory device connected to the processor for storing the executable data structures, the executable and operational data structures comprising:

a reader module configured to read a coded identifier associated with the
item;

a capture module configured to capture a visual characteristic of the item,
~~the visual characteristic captured independent of the reading of the~~
coded identifier;

an association module configured to identify the item in a database using
the visual characteristic as a primary search criteria; and

a verification module configured to verify ~~that the candidate identity of~~
~~the item is associated with~~ based on the coded identifier.

2. (Currently Amended) The apparatus of claim 1, wherein the visual characteristic comprises a visual signature ~~further comprising an association module configured to associate the visual characteristic with a candidate item in a database.~~

3. (Currently Amended) The apparatus of claim 1, the executable and operational data structures further comprising a confirmation module configured to confirm with a user ~~that the candidate identity of the item is associated with~~ based on the visual characteristic item.

4. (Currently Amended) The apparatus of claim 1, the executable and operational data structures further comprising a presentation module configured to present to a user a plurality of candidate items associated with the visual characteristic ~~of the item~~ and ~~allow enable~~ the user to identify the item from the plurality of candidate items ~~a candidate item corresponding to the item~~.

5. (Currently Amended) The apparatus of claim 1, the executable and operational data structures further comprising a notification module configured to notify a user whether the coded identifier is associated with the ~~candidate~~ item.

6. (Cancel).

7. (Currently Amended) The apparatus of claim 1, the executable and operational data structures further comprising a weight module configured to identify ~~and associate the weight of the item with the~~ based on its weight of the candidate item.

8. (Currently Amended) The apparatus of claim 1, wherein the visual characteristic is selected from the group consisting of color, size, shape, ~~or~~ and texture.

9. (Currently Amended) A user interface for positively identifying an item, the user interface comprising:

an input module configured to read a coded identifier associated with the item and to capture a visual characteristic associated with the item, the visual characteristic captured independent ~~of~~ from the reading of the coded identifier;

a controller in communication with the input module, the controller configured to receive the coded identifier and the visual characteristic from the input module, ~~associate~~ identify the item in a database using the visual characteristic as a primary search criteria on the visual characteristic with a candidate item in a database, and verify that the identity of the candidate item is associated with based on the coded identifier; and

a confirmation module in communication with the controller, the confirmation module configured to confirm that the identity of the candidate item is associated with the item.

10. (Currently Amended) The user interface of claim 9, further comprising a presentation module configured to present to a user a plurality of candidate items associated with the visual characteristic ~~of the item~~ and ~~allow~~ enable the user to identify the item from the plurality of candidate items ~~a candidate item corresponding to the item.~~

11. (Currently Amended) The user interface of claim 9, further comprising a notification module configured to notify a user whether the ~~candidate~~ item is associated with the coded identifier ~~of the item.~~

12. (Original) The user interface of claim 9, wherein the input module identifies ~~and associates the weight of the item~~ based on its ~~with the weight of the candidate item.~~

13. (Currently Amended) A system for positively identifying an item, the system comprising:

a checkout station, comprising:

a processor configured to execute executable data structures; and

a memory device connected to the processor for storing the executable data structures, the executable and operational data structures comprising:

a reader module configured to read a coded identifier of the item; and

a capture module configured to capture a visual characteristic of the item, the visual characteristic captured independent of from the reading of the coded identifier; and

a server in communication with the checkout station, the server comprising:

an association module configured to identify the item in a database using the visual characteristic as a primary search criteria~~associate the visual characteristic with a candidate item in a database;~~ and

a verification module configured to verify ~~that the~~ identity of the candidate item is associated with based on the coded identifier.

14. (Original) The system of claim 13, wherein the server is remote in relation to the checkout station.

15. (Original) The system of claim 13, wherein the server communicates with a plurality of checkout stations.

16. (Currently Amended) A method for positively identifying an item, the method comprising:

reading a coded identifier associated with the item;

capturing a visual characteristic of the item, the visual characteristic captured independent from of the reading of the coded identifier;

~~associating~~ identifying the item in a database using the visual characteristic as a primary search criteria ~~the visual characteristic with a candidate item in a database; and~~

verifying that the identity of the candidate item based on ~~is associated with the~~ coded identifier.

17. (Currently Amended) The method of claim 16, further comprising confirming with a user ~~that the candidate~~ identity of the item is associated with the item.

18. (Currently Amended) The method of claim 16, further comprising presenting to a user a plurality of candidate items associated with the visual characteristic ~~of the item~~ and allowing enabling the user to identify the item from the plurality of candidate items ~~a candidate item corresponding with the item.~~

19. (Currently Amended) The method of claim 16, further comprising notifying a user whether the coded identifier is associated with the ~~candidate~~ item.

20. (Cancel).

21. (Original) The method of claim 16, further comprising generating a visual signature from the visual characteristic.

22. (Original) The method of claim 16, further comprising identifying and associating the weight of the item with the weight of the candidate item.

23. (Currently Amended) The method of claim 16, wherein the visual characteristic is selected from the group consisting of color, size, shape, ~~or~~ and texture.

24. (Currently Amended) An apparatus for positively identifying an item, the apparatus comprising:

means for reading a coded identifier associated with the item;

means for capturing a visual characteristic of the item, the visual characteristic captured independent of from the reading of the coded identifier;

means for ~~associating~~ identifying the item in a database using
the visual characteristic as a primary search criteria ~~the visual characteristic with a~~
~~candidate item in a database~~; and

means for verifying ~~that the~~ identity of the ~~candidate item based on~~ is associated
~~with the coded identifier.~~

25. (Currently Amended) The apparatus of claim 24, further comprising means for confirming with a user ~~that the~~ identity of the ~~candidate item is associated with the item.~~

26. (Currently Amended) The apparatus of claim 24, further comprising means for notifying a user whether the coded identifier is associated with the ~~candidate~~ item.

27. (Currently Amended) An article of manufacture comprising a program storage medium readable by a processor and embodying one or more instructions executable by a processor to perform a method for positively identifying an item, the method comprising:

reading a coded identifier associated with an item;

capturing a visual characteristic of the item, the visual characteristic captured independent of from the reading of the coded identifier;

~~associating~~ identifying the item in a database using the visual characteristic as a
primary search criteria ~~the visual characteristic with a candidate item in a~~
~~database~~; and

verifying ~~that the candidate~~ identity of the item ~~is associated with~~ based on the coded identifier.

28. (Currently Amended) The article of manufacture of claim 27, wherein the method further comprises confirming with a user ~~that the~~ identity of the candidate item is ~~associated with the item.~~

29. (Currently Amended) The article of manufacture of claim 27, wherein the method further comprises presenting to a user a plurality of candidate items associated with the visual characteristic ~~of the item~~ and ~~allowing~~ enabling the user to identify the item from the plurality of candidate items ~~a candidate item corresponding with the item.~~

30. (Currently Amended) The article of manufacture of claim 27, wherein the method further comprises notifying a user whether the coded identifier is associated with the candidate item.